

Notice of Allowability

Application No.

10/622,911

Examiner

Laura Edwards

Applicant(s)

MESSINA, JOSEPH LEO

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed as of 1/4/05.
2. ☒ The allowed claim(s) is/are 1-4, 6-9, 11, 12, and 17-20 renumbered as claims 1, 2, 4, 5, 8-11, 14, 12, 7, 13, 3, and 6 respectively.
3. ☒ The drawings filed on 03 December 2004 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


*Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 021405.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LAURA EDWARDS
PRIMARY EXAMINER

Art Unit: 1734

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tom O'Rourke on 2/14/05.

The application has been amended as follows:

In the abstract:

In line 4, "a delivery means" has been changed to --tubing--.

In line 5, "means" (both instances) has been removed.

In the claims:

In claim 2, line 1, "wherein said" has been changed to --wherein each--.

In claim 2, line 2, --means-- has been inserted after "brush".

Claims 13-16 have been cancelled.

In claim 8, line 8, "last" has been changed to --least--.

Claims 13-16 have been cancelled without prejudice to Applicant's right to file a divisional application.

The following is an examiner's statement of reasons for allowance:

Claims 17/6-9, and 12 are allowable because there is no teaching or suggestion in the prior art of an apparatus for creating an image comprising the combination of a first support member having a suspended applicator member movable connected thereto, the suspended

Art Unit: 1734

applicator having a wind catcher attached thereto for receiving breezes of wind that power the applicator, the suspended applicator further provided with at least one reservoir of material to be applied to a substrate, the reservoir having a delivery means extending therefrom for transporting the material to a brush means, the brush means providing a random pattern of material to the substrate in response to the pressure from flowing air on the wind catcher.

Claims 18/11 are allowable because there is no teaching or suggestion in the prior art of an apparatus for creating an image comprising the combination of a first support member having a hanging applicator member movably connected thereto, the hanging applicator being provided with at least one reservoir of material to be applied to a substrate, said reservoir having a delivery means extending therefrom for transporting the material to brush means, the brush means providing a random pattern of material to the substrate in response to pressure from flowing air and wherein the first support member is a horizontal member being supported by at least one vertical member and wherein there is an anchor leg having a first end and a second end, the first end being adapted to rest on a support surface and the second end having an opening for receiving a vertical member.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1734

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

Le
February 14, 2005